IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3710 of 2004

Between:

Government of Andhra Pradesh, represented by Secretary to Government, Panchayat Raj & Rural Development Department, Secretariat buildings, Hyderabad.

..... PETITIONER

AND

K.Rama Rao, Superintending Engineer (Dismissed), Panchayat Raj, Ananthapur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or proceedings more particularly one in the nature of "Writ of Certiorari" calling for the records pertaining to the orders passed in O.A.No. 3695/2003 on the file of Hon'ble A.P.A.T.Hyderabad, dated 4-9-2003 and quash the same as illegal and arbitrary.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent: MR.P.V.RAMANA

The Court at the admission stage made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.3695 of 2003, dated 4.9.2003.

2. The respondent was working as Superintending Engineer in Panchayat Raj Department, Anantapur. While so, it is alleged that he had committed certain irregularities viz., purchase of stationary worth Rs.2,00,67,000/-. Thereafter, he was placed under suspension by an order dated 6.9.2002. Subsequently a charge memo was issued on 17.12.2002. Since no explanation was offered by the Officer, the authorities passed an order by invoking Rules 25 and 26(2) of A.P. C.S. (CCA) Rules, 1991 and dismissed him from service by an order dated 29.4.2003. The said order came to be challenged by the respondent in the above OA. The Tribunal, after considering the matter, holding that dispensing with the enquiry was not warranted, set aside the order of dismissal and directed the authorities to conduct a fresh enquiry and pass appropriate orders. The said order is challenged before this Court by the Government in this Writ Petition.

3. Now it is submitted by the learned Government Pleader for Services-II as well as the learned counsel appearing for the respondent that the respondent herein died on 22.11.2004. In view of this situation and taking into consideration the A.P. Revised Pension Rules, the entire proceedings stood abated.

4. Accordingly the Writ Petition is dismissed and the petitioner is directed to release the pension and other benefits to the legal representatives of the deceased-respondent. No costs.

G.BIKSHAPATHY, J.

16th February, 2005.

P.S.NARAYANA, J.

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government, Panchayat Raj & Rural Development Department, Government of Andhra Pradesh, Secretariat buildings, Hyderabad.

2 The Registrar, A.P. Administrative Tribunal, Hyderabad.

3 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

4 2 CD copies